

## **MINUTES**

**TENNESSEE SOLID WASTE DISPOSAL CONTROL  
BOARD MEETING  
RUTH NEFF CONFERENCE ROOM  
17TH FLOOR, L & C TOWER  
NASHVILLE, TENNESSEE**

**FEBRUARY 5, 2002**

**Board Members Present:**

Mr. Wilton Burnett  
Mr. Truman Clark  
Ms. Janet Evans  
Dr. Dennis George  
Mr. Sizwe Herring  
Mr. Joe Mahan  
Mr. J. P. Newman, Chairman  
Mr. Ken Pointer  
Mr. Robert Waddell  
Mr. Bob Whetsel  
Mr. Glenn Youngblood

Chairman Newman called the meeting to order at 9:05 a.m. After noting that a quorum was present, he welcomed the Board members and guests.

I. **SOLID WASTE DISPOSAL CONTROL BOARD MATTERS**

A. **Approval of Minutes from the December 4, 2001 Board Meeting**

Chairman Newman asked if the Board members had reviewed the Draft Minutes from the December 4, 2001 Board Meeting. A **motion** was made by Mr. Burnett and **seconded** by Dr. George, **to approve the Minutes from the December 4, 2001 Board Meeting as presented.** The **motion carried unanimously by voice vote.**

B. **Election of Officers for the Tennessee Solid Waste Disposal Control Board**

Chairman Newman explained that during the first meeting of each calendar year, the Board elects a--**Chairman, Vice-Chairman and 2nd Vice-Chairman.**

Mr. Burnett made a **motion to retain the same officers,** Mr. Newman, Chairman, Ms. Evans, Vice-Chairman and Mr. Waddell, 2<sup>nd</sup> Vice-Chairman. This motion was **seconded** by Mr. Mahan. The **motion carried unanimously by voice vote.**

## **II. GENERAL BUSINESS/STAFF REPORTS**

### **A. Quarterly Report on Hazardous Waste Permitting (October-November-December 2001)**

Ms. Jamie Burroughs, in the Treatment, Storage and Disposal Section of the Division of Solid Waste Management, reported on the Hazardous Waste Permitting activities for October-November-December, 2001.

Chairman Newman thanked Ms. Burroughs for her presentation.

### **B. Solid Waste Assistance Update**

Ms. Dunlap with the Division of Community Assistance made a presentation summarizing activities and accomplishments conducted under the solid waste assistance program for the year 2001.

Chairman Newman thanked Ms. Dunlap for her presentation.

### III. REGULATORY MATTERS

#### A. Proposal to Delist Olin Corporation, Charleston (#06-501/Bradley County) from the List of Inactive Hazardous Substances Sites

Chairman Newman stated he was familiar with the Olin site and as a board member he would recuse himself but he would be available for any questions. Mr. Bob Powell, Enforcement Manager for the Division of Superfund provided Board members an overview regarding the Olin Corporation Site. He stated that a hearing was held on November 27, 2001 in Charleston, Tennessee to receive comments from the public regarding Olin Corporation site. Several persons attended the meeting; however no formal comments were received. This site is being proposed for delisting due to the statutory requirements found in TCA 68-212-206(e) which states, "An inactive hazardous substance site listed under this part which subsequently becomes subject to a requirement, shall be removed from the list by the board pursuant to a proposal which shall be made by the Commissioner." The site is no longer being regulated under Superfund, but is instead currently actively regulated under RCRA and the Tennessee Division of Solid Waste Management. All Superfund costs have been paid to date with only minor administrative costs outstanding.

After review and discussion by the Board, a **motion** was made by Mr. Whetsel and **seconded** by Mr. Pointer, to **Delete Olin Corporation Site (#06-501/Bradley County) from the List of Inactive Hazardous Substance Sites**. There was no further discussion, and the **motion carried unanimously by a roll call vote**. The vote was as follows:

Burnett	Yes	Clark	Yes
Evans	Yes	George	Yes
Herring	Yes	Mahan	Yes
Newman	Abstain	Pointer	Yes
Waddell	Yes	Whetsel	Yes
Youngblood	Yes		

**B. Proposal to Delist Southern Wood Piedmont, Chattanooga, (#33-508/Hamilton County) from the List of Inactive Hazardous Substances Sites**

Mr. Bob Powell, Enforcement Manager for the Division of Superfund provided Board members an overview regarding the Southern Wood Piedmont Site. He stated that a hearing was held on November 28, 2001 in Chattanooga, Tennessee to receive comments from the public regarding Southern Wood Piedmont site. Several persons attended the meeting and comments were received. This site is being proposed for delisting due to the statutory requirements found in TCA 68-212-206(e) which states, "An inactive hazardous substance site listed under this part which subsequently becomes subject to a requirement, shall be removed from the list by the board pursuant to a proposal which shall be made by the Commissioner." The site is actively being cleaned up under the authority of the Tennessee DSWM. All Superfund cost has been paid to date.

After review and discussion by the Board, a **motion** was made by Mr. Mahan and **seconded** by Mr. Youngblood, to **Delete Southern Wood Piedmont Site (#33-508/Hamilton County) from the List of Inactive Hazardous Substance Sites**. There was no further discussion, and the **motion carried unanimously by a roll call vote**. The vote was as follows:

Burnett	Yes	Clark	Yes
Evans	Yes	George	Yes
Herring	Yes	Mahan	Yes
Newman	Yes	Pointer	Absent
Waddell	Yes	Whetsel	Yes
Youngblood	Yes		

C. **Proposal to List Tennessee Air National Guard, Memphis, (#79-799/Shelby County) to the List of Inactive Hazardous Substances Sites**

Mr. Bob Powell, Enforcement Manager for the Division of Superfund provided Board members an overview regarding the Tennessee Air National Guard Site. He stated that a hearing was conducted on December 18, 2001 in Memphis, Tennessee to receive comments from the public regarding this rulemaking. Several persons attended the meeting, however, no formal comments were received.

This site is being proposed for listing due to the areas of concern being addressed at the site are inactive. Hazardous substances are present at the site and in groundwater exceeding Maximum

Contaminant Levels by several orders of magnitude. The site poses a potential threat to human health and the environment.

After review and discussion by the Board, a **motion** was made by Dr. George and **seconded** by Mr. Burnett, to **Add Tennessee Air National Guard Site (#79-799/Shelby County) to the List of Inactive Hazardous Substance Sites**. There was no further discussion, and the **motion carried unanimously by a roll call vote**. The vote was as follows:

Burnett	Yes	Clark	Yes
Evans	Yes	George	Yes
Herring	Yes	Mahan	Yes
Newman	Yes	Pointer	Absent
Waddell	Yes	Whetsel	Yes
Youngblood	Yes		

#### IV. AGREED/CONSENT ORDERS

##### A. Eddie Mahaffey, SWM Case # 98-0501 (Bedford County)

Mr. Max Fleischer, Assistant General Counsel for the Department distributed copies of the original Commissioner's Order and the proposed Agreed Order to the Board members for their review.

Mr. Fleischer explained that the proposed Agreed Order provides for clean-up/closure of the solid waste disposal site. The clean-up/closure shall begin by July 1, 2002 and be complete no later than December 31, 2002. Mr. Mahaffey agrees to pay a CIVIL PENALTY

of SEVEN HUNDRED FIFTY DOLLARS (\$750.00), which will be due within 90 days of the receipt of the ORDER. If the site is not cleaned up or closed as provided by in this ORDER, Mr. Mahaffey will owe an additional CIVIL PENALTY of TEN THOUSAND SEVEN HUNDRED EIGHTY EIGHT AND FORTY-FIVE CENTS (\$10,788.45).

After discussion and review, a **motion** was made by Mr. Clark, and **seconded** by Mr. Whetsel, **to approve the proposed Agreed Order**. There was no further discussion, and the **motion carried unanimously by voice vote**.

## **V. GENERAL BUSINESS**

Regarding the above Agreed Order, Mr. Mike Apple clarified the question that Dr. George asked regarding whether the Board would like the Division of Solid Waste Management to start notifying the land owners when NOV's were issued. The Board stated they feel that would be appropriate and Mr. Apple agreed. Mr. Youngblood and Ms. Evans felt it would help the landowners if they received documentation on enforcement and permitting. Mr. Newman asked that Mr. Apple put something together regarding this.

Brochures were distributed to the board members regarding the 31<sup>st</sup> Annual Solid/Hazardous Waste Conference and Exhibition, which will be May 1-3,



2002 held at the Gatlinburg Convention Center. The Board meeting for April was rescheduled for April 30, 2002 in Gatlinburg, Tennessee.

Mr. Mike Apple presented the Board members with an overview stating that last year (2001) the Division of Solid Waste Management increased fees on tonnage surcharge to .10 cents for Solid Waste and applying fees to activities (that previous had not been added) that is directed by the Environmental Protection Fund. At the time, the Division was constrained by regulatory constraints that fees couldn't increase over 150% of the previous years collection. That constraint restricted the Division on budgetary requests to the Board for new fees. At that time, Mr. Apple stated that to balance the budget the Division would be back the next year. The Division was proposing to the Board that they be allowed to hold public hearings to adopt new fees for the Division of Solid Waste Management. He stated that the new budget figures for 2002 are ready to be presented and the requests for fees would be presented by Mr. Garey Mabry.

Mr. Garey Mabry with the Hazardous Waste Management Program distributed copies of information regarding the Division of Solid and Hazardous Waste on Budget needs. This information provided were summaries of what will be needed for the Environmental Protection Fund fees. Mr. Mabry discussed what was contained in the EPF Budget for 2001-2002, the EPF increase for 2002-2003 and the total EPF needs for 2002-2003. Also discussed were the EPF charges for Departmental Services. Listed were the 2001-2002 EPF collections (projected) and the 2002-2003 EPF shortfall (projected). This was for Solid and Hazardous Waste.

Mr. Mabry made reference to salaries, employee benefits, expenditures, departmental services, funding for state appropriation, federal revenue, non-governmental revenue, current services revenue and inter-departmental revenue (EPF) and then the total funding for the Division.

Mr. Mabry presented the Board members with the fee type, number, current fee, current estimates, proposed increase, revenue increase and the 2002-2003 totals for fees in the SW Program.

The Solid Waste Fee proposed to the Board was an increase in .10 cents on the surcharge per ton on material going into a Class I landfill which will equal to a .20 cents per ton surcharge.

The Hazardous Waste Fees proposed to the Board were on generator and transporter fees. These fees have not been changed since 1993. The proposed increase for large quantity generators is \$700, which will increase the revenue for 2002-2003 to \$320,000. The proposed increase for small quantity generators is \$450 additional dollars, which will increase the revenue for 2002-2003 to \$300,000. The proposed increase for transporters will be \$800 additional dollars which will increase the revenue for 2002-2003 to \$280,000 and additional vehicles (tanker, truck or trailer) \$100 for each one which will increase the revenue for 2002-2003 to \$56,000. The total revenue increase will be \$910,000. This will still leave a projected shortfall for 2002-2003 of \$412,617.

The Board gave their approval to move forward on going public regarding these fees. This will consist of preparing draft rules and make them available for public review, following with a public hearing and comments and then consideration by the Board.

Mr. Newman suggested it would be good to get a cost history over the last couple of years on the budget. Mr. Apple asked Garey to get this information collected and mailed out to the board members.

**There was no further business by the Board or staff, a Motion was made by Mr. Waddell and seconded by Dr. George to Adjourn at 11:20 a.m. on Tuesday, February 5, 2002.**

SUBMITTED BY:

\_\_\_\_\_  
Mike Apple, Technical Secretary

\_\_\_\_\_  
Date

APPROVED BY:

\_\_\_\_\_  
J.P. Newman, Chairman  
Solid Waste Disposal Control Board

\_\_\_\_\_  
Date